

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 06-06016-01-CR-W-FJG
	)	
JHANMAY MOLINA-PEREZ,	)	
	)	
Defendant.	)	

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

**PENDING CHARGE:** Defendant Molina-Perez was originally indicted on September 26, 2006. On March 13, 2007, a Superseding Indictment was filed which added a count to the indictment. Subsequently on June 19, 2007, a Second Superseding Indictment was filed. This indictment added additional charges against defendant Molina-Perez and added defendant Joaquin Gonzalez Gonzalez to two of the four counts of the Indictment. On October 2, 2007, a Fourth Superseding Indictment was filed. This Indictment added defendants Jorge Alberto Texier Delgado, Jose Beritan and Frank Diaz, and added additional charges including capital murder charges.

Defendant Gonzalez entered a plea of guilty on July 16, 2007. Charges were dismissed against Jorge Delgao. Defendants Beritan and Diaz have never been arrested. Counts Two, Three, Six, and Seven of the Fourth Superseding Indictment were dismissed against defendant Molina-Perez. Thus, defendant Molina-Perez is scheduled to begin trial on Counts One, Four and Five on the July 21, 2008 Joint Criminal Jury Trial Docket.

The following matters were discussed and action taken during the pretrial conference:

**TRIAL COUNSEL:**

Government: Gregg Coonrod/Pat Daley  
Case Agent: FBI SA Rick Weiler  
Defense: Jeffrey Morris/Kristina Biergensmith

**OUTSTANDING MOTIONS:**

Defendant's Motion in Limine to Exclude Evidence Related to Firearms with Suggestions in Support (doc #152).  
Defendant's Motion in Limine and Renewed Motion Concerning Exclusion of Firearms Evidence (doc #160).

**TRIAL WITNESSES:**

Government: 20 witnesses with stipulations; 25 without stipulations  
Defendants: 5-10 witnesses, defendant may testify

**TRIAL EXHIBITS**

Government: 80 exhibits, including a videotape, photos and records  
Defendant: 30-40 exhibits for defendant

**DEFENSES:** general denial

**POSSIBLE DISPOSITION:**

( X ) Definitely for trial; ( ) Possibly for trial; ( ) Likely a plea will be worked out

**TRIAL TIME: 4 days**

Government's case including jury selection: 2-3 days  
Defense case: ½-1 day

**STIPULATIONS:** The parties have reached stipulations as to foundational requirements for the introduction of marijuana and certain business records such as water, phone and property records.

**UNUSUAL QUESTIONS OF LAW:** None

**FILING DEADLINES:**

**Witness and Exhibit List**

Government: Friday before the pretrial conference  
Defense: Friday before the pretrial conference

**Counsel are requested to list witnesses in alphabetical order on their witness list.**

**Exhibit Index, Voir Dire, Jury Instructions: Noon, Wednesday, July 16, 2008**

**Please Note:** Jury instructions must comply with Local Rule 51.1

**Motion in Limine:**

**TRIAL SETTING:** Criminal jury trial docket commencing July 21, 2008

**Please note:** Parties request the first week of the docket.

**IT IS SO ORDERED.**

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*/s/ SARAH W. HAYS*  
SARAH W. HAYS  
UNITED STATES MAGISTRATE JUDGE